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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/750,044 | 12/30/2003 | Mario Kabadiyski | 6570P030 | 9158 |
| 8791 7590 01/16/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030 | | | EXAMINER KENDALL, CHUCK O | |
| | | | ART UNIT 2192 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/16/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/750,044

Applicant(s)

KABADIYSKI ET AL.

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Application filed 12/30/03.
2. Claims 1 – 33 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 4, 8, 12 – 15, 19, 23 – 26 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Faraj 2002/0073063 A1.

Regarding claim 1, Faraj anticipates a method for tracing program flow within an application server comprising:

identifying one or more application components to be traced within the application server [0048, see server and trace logs];

modifying bytecode associated with the one or more application components, the modifications associated with a particular set of methods of the application components [0010, see bytecode manipulation and modification];

executing the application components [0025];

registering method invocations and method-related information associated with the particular set of methods [0025]; and

translating method-related information to a format employed within a distributed statistical records ("DSR") system and forwarding the translated information to the DSR system [0083, see receive, format and log].

Regarding claim 2, the method as in claim 1 wherein one the application components are Java application components [0018].

Regarding claim 3, the method as in claim 1 wherein the application server is a Java 2 Enterprise Edition ("J2EE") server and the application components are J2EE services within the J2EE server [0084, describes the Java 2 platform and mentions the use of a database server in 0048].

Regarding claim 4, the method as in claim 1 further comprising: storing the method-related information within a plurality of DSR files within the DSR system [0083, see trace files].

Regarding claim 8, the method as in claim 1 wherein the method-related information comprises input and/or output parameters associated with each method of the set of methods [0028, see generating and displaying data for a user, same as output].

Regarding claim 12, the system version of claim 1, see rationale as previously addressed above.

Regarding claim 13, the system version of claim 2, see rationale as previously addressed above.

Regarding claim 14, the system version of claim 3, see rationale as previously addressed above.

Regarding claim 15, the system version of claim 4, see rationale as previously addressed above.

Regarding claim 19, the system version of claim 8, see rationale as previously addressed above.

Regarding claim 23, the article of manufacture version of claim 1, see rationale as previously addressed above.

Regarding claim 24, the article of manufacture version of claim 2, see rationale as previously addressed above.

Regarding claim 25, the article of manufacture version of claim 3, see rationale as previously addressed above.

Regarding claim 26, the article of manufacture version of claim 4, see rationale as previously addressed above.

Regarding claim 30, the article of manufacture version of claim 8, see rationale as previously addressed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 – 7, and 9 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faraj 2002/0073063 A1 as applied in claim 1, in view of Berry et al. USPN 6,662,359 B1.

Regarding claim 5, Faraj discloses all the claimed limitations as applied in claim 1 above. Although, Faraj doesn't expressly disclose wherein modifying the bytecode comprises:

inserting a start method invocation prior to each method of the set of methods and inserting an end method invocation following each method of the set of methods, Faraj does disclose that it is known to perform insertion and modification of byte code in a Java .class file so that the java code generates an execution trace at runtime [0010]. However, Berry in an analogous art and similar configuration of bytecode modification discloses instrumenting and inserting entry and exit methods within the code (FIG. 5, 508 and all associated text). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Faraj and Berry because, it would enable generating an execution trace at runtime.

Regarding claim 6, Berry further discloses the method as in claim 1 wherein the method-related information comprises an amount of time it takes for each method within the set of methods to complete (6:47 – 50, for time stamps).

Regarding claim 7, Berry further discloses the method as in claim 1 wherein the method-related information comprises a number times that each method of the set of methods is executed (Berry FIG. 7, shows 718 increments the execution and returns back to 704).

Regarding claim 9, Berry further discloses the method as in claim 1 wherein the particular set of methods comprise entry and/or exit methods for each application component, the entry/exit methods representing entry and exit points to and from each component (Berry, FIG. 5, 508 and all associated text).

Regarding claim 10, the method as in claim 9 wherein the entry/exit methods are entry and exit points between an application component and an external system (Berry FIG. 7, shows 718 increments the execution and returns back to 704).

Regarding claim 11, the method as in claim 9 wherein the entry/exit method are entry and exit points between an application component and a database containing data usable by the application component (Berry FIG. 7, shows 718 increments the execution and returns back to 704).

Regarding claim 16, the system version of claim 5, see rationale as previously addressed above.

Regarding claim 17, the system version of claim 6, see rationale as previously addressed above.

Regarding claim 18, the system version of claim 7, see rationale as previously addressed above.

Regarding claim 20, the system version of claim 9, see rationale as previously addressed above.

Regarding claim 21, the system version of claim 10, see rationale as previously addressed above.

Regarding claim 22, the system version of claim 11, see rationale as previously addressed above.

Regarding claim 27, the article of manufacture version of claim 5, see rationale as previously addressed above.

Regarding claim 28, the article of manufacture version of claim 6, see rationale as previously addressed above.

Regarding claim 29, the article of manufacture version of claim 7, see rationale as previously addressed above.

Regarding claim 31, the article of manufacture version of claim 9, see rationale as previously addressed above.

Regarding claim 32, the article of manufacture version of claim 10, see rationale as previously addressed above.

Regarding claim 33, the article of manufacture version of claim 11, see rationale as previously addressed above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Chude Kendall 01/08/06